

Application No.: 10/522023
Filing Date: January 21st, 2005

REMARKS

Claims 3-5 and 10-12 have been found to be allowable if re-written in independent form. Claim 1 has been amended by incorporating subject matter of Claim 3. Claims 4 and 11 have been amended to change the dependency of the claim. Claims 5 and 12 has been re-written in independent form. Claim 8 have been amended by incorporating subject matter of Claim 10. Claims 3 and 10 have been canceled. Claims 15-20 have been added. Support for the amendments to Claims 1 and 8 is presented in Claims 3 and 10 as previously presented, respectively. Support for new claims is presented in Claims 16, and 7 as previously presented. Thus, no new matter has been added. Applicants respectfully request entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

Claim Objections

Claims 3, 8 and 11 have been objected due to informalities. The subject matter of Claim 3 has been incorporated after the recitation "the smaller value" is replaced with "a smaller value" as suggested by the Examiner and Claim 3 has been canceled. A recitation "and amplifying" in Claim 8 has been replaced with "and a step of amplifying" as suggested by the Examiner. A recitation "the waveform processing unit" in Claim 11 is replaced with "a waveform processing unit" as suggested by the Examiner. Applicants respectfully request withdrawal of the objections.

Claim Rejections – 35 U.S.C. § 112

Claims 3-5 and 10-12 have been rejected under 35 U.S.C. § 112 as being indefinite. Claims 3 and 10 have been canceled. The subject matter of Claims 5, 8 and 12 have been amended to clarify how the synchronous contraction wave is generated, and recitation "at each given time" has been replaced with "at each time point in" in order to clarify the antecedent basis. Applicants respectfully request withdrawal of the objections.

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Rejection on Ground of Nonstatutory Obviousness-type Double Patenting

Claims 1-14 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-15 of copending Application No. 10/942,045.

Applicants herewith submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c), thereby obviating the above rejections. The filing of the terminal disclaimer "simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 6, and 7 have been rejected under 35 U.S.C. § 102, as being anticipated by US pat. No. 4,667,513 to Konno

Claim 3, which has been found to be allowable if re-written in independent form, has been incorporated into Claim 1 which the claims depend upon. Thus, Claim 1 as amended herein could not be rejected on this ground, as well as its dependent claims. Applicants respectfully requests withdrawal of this rejection.

Claim Rejection – 35 U.S.C. §103

Claims 8, 9, 13 and 14 have been rejected under 35 U.S.C. § 103, as being unpatentable over "Workload of using a driver assistance system" to Tanaka et al. in view of Konno.

Claim 10, which has been found to be allowable if re-written in independent form, has been incorporated into Claim 8 which the claims depend upon. Thus, Claim 8 as amended herein could not be rejected on this ground, as well as its dependent claims. Applicants respectfully requests withdrawal of this rejection.

Allowable Subject Matter

Claims 3-5 and 10-12 have been found to be allowable if re-written in independent format. As described above, Claim 3 has been incorporated with Claim 1, Claim 10 have been incorporated with Claim 8. Claims 5 and 12 have been re-written in independent form.

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CONCLUSION

In the light of the applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 9/4/2003

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AMEND

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